



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 13, 1998

Ms. Patricia Blackshear
Assistant City Attorney
City of College Station
P.O. Box 9960
College Station, Texas 77842

OR98-2414

Dear Ms. Blackshear:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 118566.

The City of College Station (the "city") received a request for "all records in the Michael Wolf case which include transcripts, tapes, etc." The requestor for this information is Mr. Jim Scales, the superintendent of the College Station Independent School District.¹ In response to the request, you submit to this office for review a copy of the information which you assert is responsive. You claim that the requested information is excepted from disclosure under sections 552.101 and 552.108 of the Government Code.² We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108 of the Government Code, excepts from required public disclosure

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if:

(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication[.]

¹Generally, information may be transferred between governmental agencies which are subject to the Open Records Act without destroying the confidential nature of the information. Attorney General Opinion JM-590 (1986); Open Records Decision Nos. 655 (1997), 567 (1990), 561 (1990), 516 (1989), 468 (1987) (interagency transfers of information are not considered "public" disclosures). These decisions are grounded in the well settled policy of the state that state agencies should cooperate with each other in the interest of the efficient and economical administration of their statutory duties. See Open Records Decision No. 516 (1989).

²Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." However, we did not find and you have not presented a statutory or other legal authority, which deems the submitted information confidential by law.

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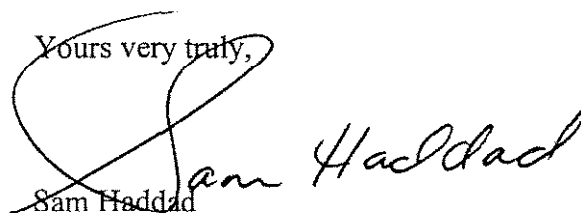
(c) This section does not except from [public disclosure] information that is basic information about an arrested person, an arrest, or a crime.

In your brief to this office, you explain that "this case is one that was refused prosecution by the Brazos County District Attorney's office; consequently there was no conviction or deferred adjudication." In reliance on your statements in support of the claimed section 552.108 exception, we conclude that, because the requested information relates to an investigation that did not result in a conviction or deferred adjudication, you may withhold most of the requested information under section 552.108(a)(2).

We note, however, that you must provide the requestor with the basic front page offense report information in the submitted documents, including a detailed description of the offense. Section 552.108(c) provides that section 552.108 does not except from disclosure "basic information about an arrested person, an arrest, or a crime." *See generally Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Therefore, we conclude that, except for basic information subject to release, section 552.108(a)(2) of the Government Code excepts the requested information from public disclosure.³

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Sam Haddad
Assistant Attorney General
Open Records Division

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³Although section 552.108 authorizes you to withhold the information from public disclosure, you may choose to release all or part of the information at issue that is not otherwise confidential by law. *See Gov't Code* § 552.007. We advise the city to exercise caution in releasing confidential information. *See Gov't Code* § 552.352 (the distribution of confidential information is a criminal offense).

Ref.: ID# 118566

Enclosures: Submitted documents

cc: Mr. Jim Scales, Superintendent
College Station Independent School District
1812 Welsh Street
College Station, Texas 77840.
(w/o enclosures)